

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

In re:

**PETER A FOWLER and BRIDGETT S  
GIBBS**

**Case No. 10-80949**

S.S. Nos.: xxx-xx-3277 and xxx-xx-7126

Mailing Address: 2017 STADIUM DR, Durham, NC 27705-

Debtors.

**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on May 28, 2010.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: June 22, 2010

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

John T. Orcutt  
N.C. State Bar No. 10212  
Counsel for the Debtors  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615  
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

**CH. 13 PLAN - DEBTS SHEET**  
(MIDDLE DISTRICT - DESARDI VERSION)

Date: 5/4/10

Lastname-SS#: Fowler-3277

**RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN**

Creditor Name	Sch D #	Description of Collateral

**SURRENDER COLLATERAL**

Creditor Name	Description of Collateral

**ARREARAGE CLAIMS**

Creditor Name	Sch D #	Arrearage Amount	(See t)
			**
			**
			**
			**
			**
BOA - 1st DOT			**
BOA - Escrow			**
			**
			**

**REJECTED EXECUTORY CONTRACTS/LEASES**

Creditor Name	Description of Collateral

**LTD - DOT ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS**

Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
BOA - 1st DOT	1	\$759	N/A	n/a	\$759.00	Residence/Escrow Account
BOA - Escrow	1	\$211	N/A	n/a	\$211.00	Residence/Escrow Account
			N/A	n/a		
			N/A	n/a		

**STD - SECURED DEBTS a FMV**

Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
			5.00			
			5.00			
			5.00			
			5.00			

**STD - SECURED DEBTS a 100%**

Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Nuvell - Equity		\$4,944	5.00	\$49	\$143.34	2004 Pontiac
			5.00			
			5.00			
			5.00			
			5.00			

ATTORNEY FEE (Unpaid part)		Amount
Law Offices of John T. Orcutt, P.C.		\$2,800
SECURED TAXES		Secured Amt
IRS Tax Liens		
Real Property Taxes on Retained Realty		
UNSECURED PRIORITY DEBTS		Amount
IRS Taxes		
State Taxes		
Personal Property Taxes		
Alimony or Child Support Arrearage		
CO-SIGN PROTECT (Pay 100%)	Int. %	Payoff Amt
All Co-Sign Protect Debts (See*)		
GENERAL NON-PRIORITY UNSECURED		Amount**
DMI=	None(\$0)	None(\$0)

**PROPOSED CHAPTER 13 PLAN PAYMENT**

\$ **\$1,266** per month for **44** months, then

\$ **N/A** per month for **N/A** months.

Adequate Protection Payment Period: **8.33** months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

† = May include up to 2 post-petition payments.

\* Co-sign protect on all debts so designated on the filed schedules.

\*\* = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan\_MD (DeSardi Version 1/12/10) © LOJTO

**Other Miscellaneous Provisions**

Plan to allow for 3 "waivers".

## **CERTIFICATE OF SERVICE**

I, WILLIAM MCDONALD, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s WILLIAM MCDONALD  
WILLIAM MCDONALD

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

Internal Revenue Service (ED)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

HSBC  
Post Office Box 81622  
Salinas, CA 93912-1622

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

Internal Revenue Service (MD)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

Absolute Collection Service \*\*  
421 Fayetteville Street Mall  
Suite 600  
Raleigh, NC 27601

Kirby Center of Durham  
3311 Guess Road  
Durham, NC 27705

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

American General Finance  
Post Office Box 15728  
Durham, NC 27704-0728

Lane Bryant  
c/o World Financial Network  
Post Office Box 182121  
Columbus, OH 43218-2121

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

Bank of America Mortgage  
Post Office Box 535318  
Atlanta, GA 30353

Law Office of John T Orcutt  
6616 Six Forks Road ste 203  
Raleigh, NC 27615

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

Credit Bureau of Greensboro\*\*  
Post Office Box 26140  
Greensboro, NC 27402-0040

NC Department of Revenue  
Post Office Box 25000  
Raleigh, NC 27640-0002

Innovis Data Solutions  
Attn: Consumer Assistance  
P.O. Box 1534  
Columbus, OH 43216-1534

Credit Financial Services  
100 West Morgan Street  
Durham, NC 27701

NCO Financial Services \*\*  
PO Box 15630  
Dept 99  
Wilmington, DE 19850

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

Duke Hospital  
Billing and Collections  
Post Office Box 3095 HBO-AR  
Durham, NC 27710-3095

Nuvel Credit Corp \*\*  
P.O. Box 380902  
Bloomington, MN 55438-0902

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

Durham County Tax Collector  
Post Office Box 3397  
Durham, NC 27701

PSNC Energy  
Post Office Box 1398  
Gastonia, NC 28053-1398

US Attorney's Office (MD)\*\*  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858

Walmart Discover \*\*  
C/o GE Money Bank  
Attn: Bankruptcy Department

Wells Fargo  
Card Services  
Post Office Box 522  
Des Moines, IA 50302-9907